

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00155-TNM

REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS
v. UNITED STATES CUSTOMS AND BORDER
PROTECTION et al
Assigned to: Judge Trevor N. McFadden
Case: 1:18-cv-01289-TNM

Date Filed: 01/24/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Cause: 05:552 Freedom of Information Act

Plaintiff

**REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS**

represented by **KatieLynn Boyd Townsend**
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V.

Defendant

**UNITED STATES CUSTOMS AND
BORDER PROTECTION**

represented by **Rhonda Lisa Campbell**
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Defendant

**UNITED STATES DEPARTMENT OF
HOMELAND SECURITY**

represented by **Rhonda Lisa Campbell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/24/2018	<u>1</u>	COMPLAINT against ALL DEFENDANTS, et al (Filing fee \$ 400 receipt number 0090-5301039) filed by REPORTERS COMMITTEE FOR FREEDOM OF THE

		PRESS. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Civil Cover Sheet, # <u>12</u> Summons Customs and Border Protection, # <u>13</u> Summons Department of Homeland Security, # <u>14</u> Summons U.S. Attorney General, # <u>15</u> Summons U.S. Attorney)(Townsend, KatieLynn) (Entered: 01/24/2018)
01/24/2018		Case Assigned to Judge Trevor N. McFadden. (md) (Entered: 01/26/2018)
01/26/2018	<u>2</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 1/26/2018. (lctnm3) (Entered: 01/26/2018)
01/26/2018	<u>3</u>	SUMMONS (4) Issued Electronically as to UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent) (md) (Entered: 01/26/2018)
02/02/2018	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 2/2/2018. Answer due for ALL FEDERAL DEFENDANTS by 3/4/2018. (Townsend, KatieLynn) (Entered: 02/02/2018)
02/02/2018	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 2/2/18. (Townsend, KatieLynn) (Entered: 02/02/2018)
02/02/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES CUSTOMS AND BORDER PROTECTION served on 2/1/2018 (Townsend, KatieLynn) (Entered: 02/02/2018)
02/02/2018	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF HOMELAND SECURITY served on 2/1/2018 (Townsend, KatieLynn) (Entered: 02/02/2018)
02/05/2018	<u>8</u>	NOTICE of Appearance by Jennifer Anne Nelson on behalf of REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS (Nelson, Jennifer) (Entered: 02/05/2018)
02/26/2018	<u>9</u>	NOTICE of Appearance by Rhonda Lisa Campbell on behalf of UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Campbell, Rhonda) (Entered: 02/26/2018)
03/02/2018	<u>10</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint,, by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Campbell, Rhonda) (Entered: 03/02/2018)
03/05/2018		MINUTE ORDER regarding the Defendants' <u>10</u> Consent Motion for Extension of Time. The Defendants shall now file their answer on or before March 19, 2018. It is FURTHER ORDERED that the parties shall appear for a Status Conference on March 22, 2018, at 10:00 a.m. in Courtroom 2 before Judge Trevor N. McFadden. Signed by Judge Trevor N. McFadden on 3/5/2018. (lctnm2) (Entered: 03/05/2018)
03/05/2018		Set/Reset Deadlines/Hearings: Defendants' answer to the complaint due by 3/19/2018. A Status Conference is scheduled for 3/22/2018, at 10:00 AM in Courtroom 2, before Judge Trevor N. McFadden. (hmc) (Entered: 03/05/2018)
03/19/2018	<u>11</u>	ANSWER to <u>1</u> Complaint by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY.(Campbell, Rhonda) Modified to add link on 3/20/2018 (znmw). (Entered: 03/19/2018)
03/20/2018		MINUTE ORDER. Before the Court are a complaint and an answer in this FOIA case. In light of the upcoming status conference on March 22, 2018, it is hereby ORDERED that the parties shall confer in advance of the status conference, and be prepared to discuss a schedule for proceeding in this matter. The parties shall be prepared to address, to the extent possible, the status of Plaintiff's FOIA request, the anticipated

		number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, and a briefing schedule for dispositive motions, if required. SO ORDERED. Signed by Judge Trevor N. McFadden on 3/20/2018. (lctnm2) (Entered: 03/20/2018)
03/22/2018		Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference held on 3/22/2018. Order forthcoming. (Court Reporter Patricia Kaneshiro-Miller.) (hmc) (Entered: 03/22/2018)
03/22/2018		MINUTE ORDER. Upon further reflection, based on the record and for good cause shown, the Court hereby VACATES and modifies its oral order regarding production as follows: The Defendant shall review at least 500 pages of potentially responsive material per month, and produce responsive records to the Plaintiff by the end of every month. The first production shall be made on or before April 30, 2018. The parties are FURTHER ORDERED to submit a joint status report on or before May 4, 2018, and on or before the 5th day of every month thereafter. SO ORDERED. Signed by Judge Trevor N. McFadden on 3/22/2018. (lctnm2) (Entered: 03/22/2018)
03/22/2018		Set/Reset Deadlines: Defendants' first production due by 4/30/2018. Joint Status Report due by 5/4/2018, and every month thereafter. (hmc) (Entered: 03/22/2018)
05/04/2018	<u>12</u>	STATUS REPORT by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Campbell, Rhonda) Modified text on 5/7/2018 (td). (Entered: 05/04/2018)
05/04/2018	<u>13</u>	STATUS REPORT by REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS. (Attachments: # <u>1</u> Exhibit A)(Townsend, KatieLynn) Modified text on 5/7/2018 (td). (Entered: 05/04/2018)
06/05/2018	<u>14</u>	Joint STATUS REPORT by REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS. (Townsend, KatieLynn) (Entered: 06/05/2018)
06/08/2018	<u>15</u>	Unopposed MOTION to Consolidate Cases by REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS (Attachments: # <u>1</u> Text of Proposed Order)(Townsend, KatieLynn) (Entered: 06/08/2018)
06/12/2018		MINUTE ORDER granting Plaintiff's unopposed <u>5</u> Motion to Consolidate. It is hereby ORDERED that Case No. 18-cv-00155 and Case No. 18-cv-01289 are hereby consolidated. The Clerk's Office shall close No. 18-cv-01289 and transfer those parties to No. 18-cv-00155 if necessary; all filings shall be made only in No. 18-cv-00155 and parties shall NOT elect to spread text when filing on ECF, as this will result in repetitive docketing. SO ORDERED. Signed by Judge Trevor N. McFadden on 6/12/2018. (lctnm2,) (Entered: 06/12/2018)
06/12/2018		Cases consolidated. Cases 08-155 and 18-1289 have been consolidated pursuant to Minute Order entered 6/12/18. All filings shall be made only in the LEAD CASE No. 18-cv-00155 and parties shall NOT elect to spread text when filing on ECF, as this will result in repetitive docketing. (ztd) (Entered: 06/18/2018) (ztd) (Entered: 06/18/2018)
07/05/2018	<u>16</u>	Joint STATUS REPORT by REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS. (Townsend, KatieLynn) (Entered: 07/05/2018)
07/09/2018		MINUTE ORDER. Upon consideration of the parties' <u>16</u> Joint Status Report, the Court hereby ORDERS the parties to appear for a status conference on August 8, 2018, at 10:00 a.m. in Courtroom 2 before Judge Trevor N. McFadden. The parties shall continue to file Joint Status Reports as previously ordered, including the next report due on August 6, 2018. SO ORDERED. Signed by Judge Trevor N. McFadden on 7/9/2018. (lctnm2) (Entered: 07/09/2018)
07/09/2018		Set/Reset Deadlines/Hearings: Joint Status Report due by 8/6/2018. Status Conference scheduled for 8/8/2018, at 10:00 AM in Courtroom 2 before Judge Trevor N. McFadden. (hmc) (Entered: 07/09/2018)
07/09/2018	<u>17</u>	Consent MOTION to Continue <i>Status Conference Scheduled for August 8, 2018</i> by REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS (Townsend, KatieLynn) (Entered: 07/09/2018)

07/10/2018		MINUTE ORDER granting the Plaintiff's <u>17</u> Consent Motion to Continue. The status conference previously set for August 8, 2018, is hereby rescheduled for August 27, 2018, at 10:00 a.m. in Courtroom 2, before Judge Trevor N. McFadden. SO ORDERED. Signed by Judge Trevor N. McFadden on 7/10/2018. (lctnm2) (Entered: 07/10/2018)
07/10/2018		Set/Reset Hearings: Status Conference rescheduled for 8/27/2018, at 10:00 AM in Courtroom 2, before Judge Trevor N. McFadden. (hmc) (Entered: 07/10/2018)
08/06/2018	<u>18</u>	Unopposed MOTION for Leave to File <i>Answer in Case No. 18-1289</i> by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Answer in Case No. 18-1289)(Campbell, Rhonda) (Entered: 08/06/2018)
08/06/2018	<u>19</u>	Joint STATUS REPORT by REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS. (Townsend, KatieLynn) (Entered: 08/06/2018)
08/06/2018		MINUTE ORDER granting Defendant's <u>18</u> Unopposed Motion for Leave to File Answer. The Court will accept ECF No. [18-1] as the Answer in Civil Case No. 18-1289. SO ORDERED. Signed by Judge Trevor N. McFadden on 8/6/2018. (lctnm2) (Entered: 08/06/2018)
08/06/2018	<u>20</u>	ANSWER to Complaint by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY.as the Answer in Civil Case No. 18-1289(zrdj) (Entered: 08/07/2018)
08/27/2018		Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference held on 8/27/2018. As stated on the record, the Court will excuse the Defendants' departure from the page review requirements for this month. (Court Reporter: Crystal Pilgrim.) (hmc) (Entered: 08/27/2018)
09/05/2018	<u>21</u>	Joint STATUS REPORT by REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS. (Townsend, KatieLynn) (Entered: 09/05/2018)
10/05/2018	<u>22</u>	Joint STATUS REPORT by REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS. (Townsend, KatieLynn) (Entered: 10/05/2018)
10/05/2018	<u>23</u>	NOTICE of Change of Address by KatieLynn Boyd Townsend (Townsend, KatieLynn) (Entered: 10/05/2018)
11/05/2018	<u>24</u>	Joint STATUS REPORT by REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS. (Townsend, KatieLynn) (Entered: 11/05/2018)
11/27/2018	<u>25</u>	MOTION to Bifurcate <i>Summary Judgment Briefing</i> by REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order)(Townsend, KatieLynn) (Entered: 11/27/2018)
12/03/2018	<u>26</u>	Memorandum in opposition to re <u>25</u> MOTION to Bifurcate <i>Summary Judgment Briefing</i> filed by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Campbell, Rhonda) (Entered: 12/03/2018)
12/05/2018	<u>27</u>	Joint STATUS REPORT by REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS. (Townsend, KatieLynn) (Entered: 12/05/2018)
12/07/2018	<u>28</u>	ORDER denying <u>25</u> Motion to Bifurcate. See attached order for further detail. Signed by Judge Trevor N. McFadden on 12/7/2018. (lctnm2) (Entered: 12/07/2018)
01/02/2019	<u>29</u>	Consent MOTION to Stay , MOTION for Extension of Time to <i>in Light of Lapse of Appropriations</i> by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 01/02/2019)
01/04/2019		MINUTE ORDER granting <u>29</u> Motion to Stay. Upon considering the Defendant's <u>29</u> Motion to Stay, it is hereby ordered that this matter shall be stayed until Congress has restored appropriations to the Federal Defendants. The Defendants will notify the Court immediately upon resumption of appropriations. It is further ordered that this order shall apply nunc pro tunc to extend the Defendants' December 2018 production obligation. Signed by Judge Trevor N. McFadden on 1/4/2019. Associated Cases:

		1:18-cv-00155-TNM, 1:18-cv-01289-TNM (lctnm2) (Entered: 01/04/2019)
01/30/2019	<u>30</u>	NOTICE of <i>Restored Funding</i> by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Campbell, Rhonda) (Entered: 01/30/2019)
01/30/2019		MINUTE ORDER. Upon considering the Defendant's <u>30</u> Notice of Restored Government Funding, it is hereby ordered that the stay in this case is lifted. It is further ordered that the production schedule imposed by the Court's March 22, 2018 Minute Order is reimposed. On or before February 5, 2019, the parties shall meet and confer, and submit a Joint Status Report. Signed by Judge Trevor N. McFadden on 01/30/2019. (lctnm2) (Entered: 01/30/2019)
01/30/2019		Set/Reset Deadlines: Joint Status Report due by 2/5/2019. (hmc) (Entered: 01/30/2019)
02/05/2019	<u>31</u>	Joint STATUS REPORT by REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS. (Townsend, KatieLynn) (Entered: 02/05/2019)